

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

JO ANN HOWARD AND ASSOCIATES, P.C., )  
SPECIAL DEPUTY RECEIVER OF LINCOLN )  
MEMORIAL LIFE INSURANCE COMPANY, )  
MEMORIAL SERVICE LIFE INSURANCE )  
COMPANY, AND NATIONAL )  
PREARRANGED SERVICES, INC.; ET AL., )

Plaintiffs, )

v. )

J. DOUGLAS CASSITY; RANDALL K. )  
SUTTON; BRENT D. CASSITY; J. TYLER )  
CASSITY; RHONDA L. CASSITY; ET AL., )

Defendants. )

Case No. 09-CV-1252-ERW


**STIPULATED VOLUNTARY DISMISSAL WITH PREJUDICE OF  
COMPLAINT AGAINST DEFENDANT HERBERT MORISSE**

Plaintiffs and Defendant Herbert Morisse ("Morisse"), under Fed. R. Civ. P. 41(a)(2), request an Order of the Court approving dismissal with prejudice of Plaintiffs' claims against Mr. Morisse, as contained in Plaintiffs' Third Amended Complaint.

1. Plaintiffs and Mr. Morisse stipulate and agree to this dismissal with prejudice.
2. There are no pending counterclaims or motions for summary judgment filed by Mr. Morisse.
3. Plaintiffs' dismissal with prejudice against Mr. Morisse shall not affect Plaintiffs' claims contained in Plaintiffs' Third Amended Complaint against the remaining defendants.

**DEFENDANT HERBERT MORISSE'S  
CONSENT TO DISMISSAL WITH PREJUDICE**

Defendant Herbert Morisse consents to, and requests the Court to enter an order, granting this stipulated dismissal with prejudice.

  
\_\_\_\_\_  
Defendant Herbert Morisse

Dated this 6th day of February, 2015.

Respectfully submitted,

s/ Wendy B. Fisher

Daniel M. Reilly (Admitted *Pro Hac Vice*)  
Larry S. Pozner, E.D. Missouri Bar No. 2792CO  
Wendy B. Fisher (Admitted *Pro Hac Vice*)  
Glenn E. Roper (Admitted *Pro Hac Vice*)  
Clare S. Pennington (Admitted *Pro Hac Vice*)  
Farrell A. Carfield (Admitted *Pro Hac Vice*)  
Lauren G. Jaeckel (Admitted *Pro Hac Vice*)  
Sean Connelly (Admitted *Pro Hac Vice*)  
Michael P. Robertson (Admitted *Pro Hac Vice*)  
Michael T. Kotlarczyk (Admitted *Pro Hac Vice*)  
Dru R. Nielsen (Admitted *Pro Hac Vice*)  
Ashley D. Morgan (Admitted *Pro Hac Vice*)

Reilly Pozner LLP  
1900 16th Street, Suite 1700  
Denver, CO 80202  
(303) 893-6100

and

Maurice B. Graham, Bar No. 3257  
Morry S. Cole, Bar No. 77854  
Gray, Ritter & Graham, P.C.  
701 Market Street, Suite 800  
St. Louis, MO 63101  
(314) 241-5620

Attorneys for Plaintiffs Jo Ann Howard and Associates, P.C., in its capacity as Special Deputy Receiver of Lincoln Memorial Life Insurance Company, Memorial Service Life Insurance Company, and National Prearranged Services, Inc.; the National Organization of Life and Health Insurance Guaranty Associations; the Missouri Life & Health Insurance Guaranty Association; the Texas Life & Health Insurance Guaranty Association; the Illinois Life & Health Insurance Guaranty Association; the Kansas Life & Health Insurance Guaranty Association; Oklahoma Life & Health Insurance Guaranty Association; the Kentucky Life & Health Insurance Guaranty Association; and the Arkansas Life & Health Insurance Guaranty Association

**CERTIFICATE OF SERVICE**

I hereby certify that on February 6, 2015, the foregoing **STIPULATED VOLUNTARY DISMISSAL WITH PREJUDICE OF COMPLAINT AGAINST DEFENDANT HERBERT MORISSE** was filed electronically with the Clerk of Court and served by operation of the Court's electronic filing system upon all counsel of record in this case participating in Electronic Case Filing.

s/ Wendy B. Fisher

Wendy B. Fisher  
(Admitted *Pro Hac Vice*)  
Attorney for Plaintiffs